



United States Department of Justice

*United States Attorney
Northern District of New York*

445 Broadway, Room 218
James T. Foley U.S. Courthouse
Albany, New York 12207-2924

Tel.: (518) 431-0247
Fax: (518) 431-0249

June 29, 2020

Hon. Norman A. Mordue
Senior U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, New York 13261-7336

Re: *United States v. Bobbie Jo Brown*
Case No. 5:17-CR-386 (NAM)
**Government's Application to Seal Exhibit 5 to Its Opposition to Defendant's
Motion for Compassionate Release**

Dear Judge Mordue:

Pursuant to Local Rule 13.1(b), the United States respectfully moves to seal Exhibit 5 to the government's opposition to the defendant's motion for compassionate release. *See* Dkt. No. 24. Exhibit 5 contains the defendant's medical records, which the government obtained from the U.S. Bureau of Prisons. In light of the defendant's significant privacy interests in her medical records, sealing is appropriate. *See Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). Moreover, the sealing request is narrowly tailored, insofar as the government only seeks to seal the medical records; the remainder of the government's submission is being filed publicly. A proposed order is set forth below, and the government will serve the defendant with a copy of the medical records contained in Exhibit 5.

Respectfully submitted,

GRANT C. JAQUITH
United States Attorney

By: /s/ Carla B. Freedman
Carla B. Freedman
Assistant United States Attorney
Bar Roll No. 514723

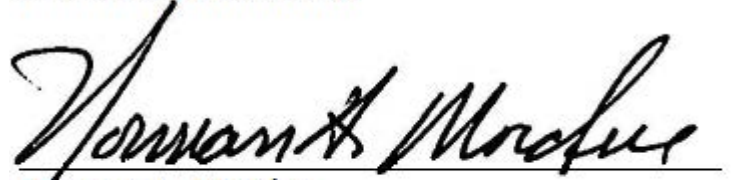
cc: Bobbie Jo Brown, Pro Se

June 29, 2020

Page 2

Following *in camera* review of Exhibit 5 the Court finds that the sealing of Exhibit 5 is appropriate. *See Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). The defendant's significant privacy interests in her medical records outweigh any countervailing common law and First Amendment rights of access to the records. Exhibit 5 to the government's opposition to the defendant's motion for compassionate release is accordingly sealed.

IT IS SO ORDERED:

A handwritten signature in black ink, reading "Norman A. Mordue", written over a horizontal line.

Norman A. Mordue
Senior U.S. District Judge

Dated: June 29, 2020